

Bastrop City Council
NOVEMBER 10, 2015 at 6:30 pm



Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a Regular Meeting on October 27, 2015, in the City Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION**
4. **PRESENTATIONS**
 1. Bastrop County Historical Society Museum and Visitors Center Operations and Maintenance Budget for 2016 – Georgina Ngozi, Executive Director of Bastrop County Historical Society
5. **PROCLAMATIONS**
 1. Recycling
6. **CITIZEN COMMENTS**
7. **ANNOUNCEMENTS**
 - A. Update on Comprehensive Plan Steering Committee– Kay Garcia McAnally and Dock Jackson

City Manager's Informational Report for the November 10, 2015 City Council Meeting:

- I. **Meetings and Events Attended:**
 - A. Attended the Texas Water Law Conference in Austin October 29-30, 2015
 - B. Attend mediation regarding SOAH Hearing October 26, 2015
 - C. Taped the First Episode of Moving Bastrop Forward with CM Mike Talbot November 4, 2015
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- II. **Update on City Projects and Issues:**
 - A. Discussion and Review of Water Usage for the period of October 26, 2015 through November 7, 2015.
 - B. Update on the City of Bastrop's Long Term Water Supply Project.
 - C. Update Regarding the FY-16 Annual City Council Planning Retreat
 - D. Update on Upcoming Meetings and Events.
 - E. Update on the Comprehensive Plan – Next Steering Comm. Meeting November 20, 2015 @ 8:00 AM at City Hall
 - F. Update on the Water Filtration Project – Willow Park Well Field
 - G. Update on the Bus Shelters in the Northern area of the City.
 - H. Update and Discussion Regarding the West Bastrop Village Municipal Utility District.
 - I. Update on the Texas Department of Transportation "Tahitian Village Overpass Project.
 - J. Update on Removing the "Sand Bar" in Front of the Boat Ramp at Fisherman's Park.
 - K. Update on Bastrop Marketing Corporation/Hyatt Lost Pines
 - L. Discussion and review of the Boys and Girls Club Agreement
 - M. Chestnut Street Fire Station Renovation

- N. Appointment of a Board Member to the Bastrop County Appraisal District
- O. Update on the PEG Channel
- P. Management/Administrative Activities

III. Other City Activities:

- A. City of Bastrop Convention Center Activities.
- B. The City of Bastrop Main Street Program.
- C. Planning Department – Inspection Report.
- D. Update on the YMCA Program

Inviting input from the City Council related to issues for possible inclusion on future agendas related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

EXECUTIVE SESSION: *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch. 551 Govt. Code, Vernon's TX Code, Annotated, the item below will be discussed in closed session.* 1. SECTION 551.071 – Consultations with Attorney related to legal matters

- A. **CONSENT AGENDA** - *All the following items are considered to be self-explanatory by the Council and will be enacted with one motion; there will be no separate discussion of these items unless a Council Members so requests.*

		TAB	PG	REQUESTOR
A.1	Consideration, discussion and possible action regarding approval of minutes from Special Called Meeting of October 8, 2015 and Regular Council Meeting of October 27, 2015.	A.1	1	City Secretary Ann Franklin
A.2	CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF THE SECOND READING OF AN ORDINANCE AMENDING CITY CODE SECTION 12.06.002, IMPLEMENTING A PARALLEL PARKING ZONE IN THE CENTRAL BUSINESS DISTRICT OF THE CITY, ALONG THE EAST SIDE OF MAIN STREET [BETWEEN PINE STREET AND CHESTNUT STREET]; PROVIDING ENFORCEMENT AUTHORITY RELATED TO SAME; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.	A.2	20	City Manager Mike Talbot

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| A.3 | Consideration, discussion and possible action regarding approval of a standard 'Conflict of Interest' forms, approved by the Ethics Commission, for all City boards, commissions, task force members and other City officials. | A.3 | 23 | Council Member Gilleland |
| A.4 | CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING THE SECOND READING OF AN ORDINANCE AMENDING CHAPTER 5 AND CHAPTER 9 OF THE CITY OF BASTROP CODE OF ORDINANCES AND RECODIFYING PORTIONS OF CHAPTER 5 INTO CHAPTER 9; CREATING AND ENUMERATING THE POWERS AND DUTIES OF THE POSITIONS OF DIRECTOR OF PUBLIC SAFETY, FIRE CHIEF AND ASSISTANT POLICE CHIEF; ADDING PROVISIONS CONCERNING THE ADMINISTRATION OF THE BASTROP VOLUNTEER FIRE DEPARTMENT; REPEALING PROVISIONS OF CHAPTER 5 REGARDING THE POSITION OF FIRE MARSHAL; CREATING THE POSITION OF FIRE INSPECTOR; AMENDING PROVISIONS RELATED TO THE POWERS AND DUTIES OF CITY OF BASTROP VOLUNTEER FIREFIGHTERS; PROVIDING A SAVINGS AND A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE. | A.4 | 42 | City Manager Mike Talbot |
| A.5 | Approval of Bastrop Marketing Corporation's request for reimbursement of funds for September 2015 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area. | A.5 | 72 | Chief Financial Officer Tracy Waldron |
| A.6 | CONSIDERATION, DISCUSSION AND POSSIBLE ACTION BY THE CITY COUNCIL FOR APPROVAL AND ADOPTION OF THE RESOLUTION ADDING TEXAS COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM INVESTMENT POOL (TEXAS CLASS), A LOCAL GOVERNMENT INVESTMENT POOL ADMINISTERED BY PUBLIC TRUST ADVISORS, LLC, THUS CREATING A PROGRAM FOR DIVERSIFICATION OF THE CITY OF BASTROP'S INVESTMENTS IN ACCORDANCE WITH THE PUBLIC FUNDS INVESTMENT ACT, TEXAS GOVERNMENT CODE, SECTION 2256.001 ET SEQ. AND THE CITY OF BASTROP'S INVESTMENT POLICY. | A.6 | 75 | Chief Financial Officer Tracy Waldron |

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| A.7 | CONSIDERATION, DISCUSSION AND POSSIBLE ACTION BY THE CITY COUNCIL FOR APPROVAL AND ADOPTION OF THE RESOLUTION ADDING FINANCIAL NORTHEASTERN SECURITIES, INC. TO THE ELIGIBLE BROKER/DEALER LIST TO ENGAGE IN INVESTMENT TRANSACTIONS ON BEHALF OF THE CITY OF BASTROP IN ACCORDANCE WITH THE CITY OF BASTROP'S INVESTMENT POLICY. | A.7 79 | Chief
Financial
Officer Tracy
Waldron |
| A.8 | Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Administrative Plat of Allen Subdivision located on North Main and Old McDade Road within the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ). | A.8 83 | Director of
Planning and
Development
Melissa
McCollum |
| A.9 | Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Washington No. 2 Final Plat located north of Mesquite Street and west of an unopened portion of Hill Street within the city limits of Bastrop, Texas. | A.9 85 | Director of
Planning and
Development
Melissa
McCollum |
| A.10 | Approval of the Final Plat for XS Ranch Road, Section One located within the City of Bastrop, Texas Extra Territorial Jurisdiction (ETJ). | A.10 87 | Director of
Planning and
Development
Melissa
McCollum |

B. PUBLIC HEARINGS, ORDINANCES, & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE

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| B.1 | PUBLIC HEARING: Consideration, discussion and possible action on a Variance to the Subdivision Ordinance, Section 6.50.2 (A) requiring that each lot in a subdivision abut on a public street. The proposed Taylor Lane Subdivision is a +/- 2.97 acre out of the Nancy Blakey Survey A98 located on Taylor Lane in the Bastrop, Texas Extra Territorial Jurisdiction (ETJ). | B.1 93 | Director of
Planning and
Development
Melissa
McCollum |
| B.2 | Conduct a public hearing to receive citizens input on an amendment to the Zoning Ordinance, Chapter 14, Section 36.2, Zoning Use Charts and A-3, Definitions. Amend to define moving of existing building(s)/structure(s) with a Conditional Use Permit (CUP) within residential zoning classifications and to amend Chapter 3, Building Regulations, Article 3.16.002 and 3.16. 006. | B.2 98 | Director of
Planning and
Development
Melissa
McCollum |

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| B.3 | FIRST READING OF AN ORDINANCE GRANTING AMENDMENTS TO THE ZONING ORDINANCE, CHAPTER 14, SECTION 36.2 ZONING USE CHARTS AND A.3 DEFINITIONS DEFINING THE MOVEMENT OF EXISTING BUILDING(S)/STRUCTURES(S) WITH A CONDITIONAL USE PERMIT (CUP) WITHIN RESIDENTIAL ZONING CLASSIFICATIONS AND AMENDING CHAPTER 3, "BUILDING REGULATIONS" ARTICLE 3.16.002 AND 3.16.006; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. | B.3 102 | Director of Planning and Development
Melissa McCollum |
| B.4 | PUBLIC HEARING: Conduct a public hearing to receive citizens input on a request to rezone +/-1.774 acres out of a +/-2.837 acre tract within Farm Lot 10 East of Main Street, from MF-2, Multi Family-2 to SF-7, Single Family Residential-7 located north of Mesquite Street also known as 1006 Mesquite within the city limits of Bastrop, Texas. | B.4 107 | Director of Planning and Development
Melissa McCollum |
| B.5 | FIRST READING OF AN ORDINANCE GRANTING A ZONE CHANGE FOR +/-1.774 ACRE TRACT OUT OF FARM LOT 10 EAST OF MAIN STREET, FROM MF-2, MULTI FAMILY-2 TO SF-7, SINGLE FAMILY RESIDENTIAL-7 LOCATED NORTH OF MESQUITE STREET ALSO KNOWN AS 1006 MESQUITE WITHIN THE CITY LIMITS OF BASTROP, TEXAS; AND PROVIDING AN EFFECTIVE DATE. | B.5 116 | Director of Planning and Development
Melissa McCollum |
| B.6 | Conduct a public hearing to receive citizens input on a request for a CUP, Conditional Use Permit to allow a manufactured home at 1006 Mesquite Street, being +/-0.500 acres out of Farm Lot 10 East of Main Street, Lot 2 of the proposed Washington No. 2 Subdivision an area zoned SF-7, Single Family Residential-7 within the city limits of Bastrop, Texas. | B.6 122 | Director of Planning and Development
Melissa McCollum |
| B.7 | FIRST READING OF AN ORDINANCE GRANTING A CUP, CONDITIONAL USE PERMIT TO ALLOW A MANUFACTURED HOME AT 1006 MESQUITE STREET, BEING +/-0.500 ACRES OUT OF FARM LOT 10 EAST OF MAIN STREET, LOT 2 OF THE PROPOSED WASHINGTON NO. 2 SUBDIVISION AN AREA ZONED SF-7, SINGLE FAMILY RESIDENTIAL-7 WITHIN THE CITY LIMITS OF BASTROP, TEXAS.; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE. | B.7 130 | Director of Planning and Development
Melissa McCollum |
| B.8 | CONDUCT A PUBLIC HEARING: "Request by CSW Development to overturn a prior decision of the Bastrop Municipal Sign Review Board, made on April 1, 2015, denying a request by CSW for Variances to the City of Bastrop Code of Ordinances – Sign Ordinance Section 3.20.016 (4) Poly signs on S.H. 71 to: (1) allow for an increase in the total square footage | B.8 136 | City Manager
Mike Talbot |

allowed, from the standard 160 square feet up to 224 square feet (i.e., an increase of 64 square feet), and (2) increase the height of the sign from the standard 35 feet height up to a height of 50 feet (i.e., a 15 foot increase.

- B.9 Consideration, discussion and possible action regarding granting a variance to the City of Bastrop Code of Ordinances – Sign Ordinance Section 3.20.016 (4) Poly signs on S.H. 71 to: (1) allow for an increase in the total square footage allowed, from the standard 160 square feet up to 224 square feet (i.e., an increase of 64 square feet), and (2) increase the height of the sign from the standard 35 feet height up to a height of 50 feet (i.e., a 15 foot increase.

B.9 178 City Manager
Mike Talbot

C. OLD BUSINESS - NONE

D. NEW BUSINESS

- D.1 **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING SECTION 1.15.501 “CREATION OF ETHICS COMMISSION” OF THE “ETHICS ORDINANCE” IN THE CODE OF ORDINANCES OF THE CITY OF BASTROP; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

D.1 187 Council
Member
Gilleland

- D.2 **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS, AN OPPORTUNITY FOR THE CITY TO ADDRESS AND CORRECT THE INACCURACY OF THE FORECASTS OF THE FLOOD’S CREST LEVEL AND COORDINATION BETWEEN AGENCIES RESPONSIBLE FOR FORECASTING FLOOD LEVELS ON THE LOWER COLORADO RIVER.**

D.2 191. Mayor Kesselus

- D.3 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports and Quarterly Investment Report for the period ending Sept 30, 2015.

D.3 195 Chief Financial
Officer Tracy
Waldron

- D.4 Consideration, discussion and possible action regarding approval of the First Amendment to Amended and Restated Development Agreement

D.4 221 City Manager
Mike Talbot

- D.5 **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING WAIVING ALL CITY OF BASTROP BUILDING PERMITS FOR THOSE INDIVIDUALS WHO LOST THEIR RESIDENTIAL STRUCTURES FROM THE RECENT FIRE OR FLOOD AND DECIDE TO REBUILD TO REBUILD THEIR HOMES BACK IN THE CITY LIMITS OF THE CITY OF BASTROP.** D.5 229 Mayor Pro Tem DeLaRosa and City Manager Mike Talbot
- D.6 Update from the City Manager on the status of the SOAH Hearing, pending before the Honorable Michael J. O'Malley, related to the City's Production Permit for Water Well No. 1. D.6 230 City Manager Mike Talbot

E. EXECUTIVE SESSION

E1. The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.* to discuss the following:

1. **SECTION 551.071(1)(A) & SECTION 551.071(2)** – (1) consultation with attorney concerning: pending litigation, including but not limited to issues related to code enforcement actions, municipal water rights, and SOAH hearing on City's LPGCD water permit for Well No. 1, and (2) matters upon which the attorney has a duty and/or responsibility to report to the governmental body.
2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property
3. **SECTION 551.0-74** – Personnel Matters:

E2. The Bastrop City Council will reconvene into open session to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

F. ADJOURNMENT

CERTIFICATION

I, Ann Franklin, City Secretary, certify that this notice of meeting was posted at the Bastrop City Hall on the 6th. Day of November 2015 at 5:00 pm



NOTICE OF ASSISTANCE AT PUBLIC MEETINGS; THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. BASTROP CITY HALL COUNCIL CHAMBERS ARE WHEELCHAIR ACCESSIBLE AND SPECIAL MARKED PARKING IS AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND A MEETING AND WHO MAY NEED ASSISTANCE ARE ENCOURAGED TO CONTACT THE CITY SECRETARY AT 512-332-8800. PLEASE PROVIDE A FORTY-EIGHT (48) HOUR NOTICE. Confirmed by **TC**